IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 799 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

HIMATLAL JAMNADAS MANIAR

Versus

MAHESHKUMAR SHANTILAL AGARBATTIWALA

Appearance:

MR AJ SHASTRI for Petitioners No. 1-4

MR HM PRACHCHHAK for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 1

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 27/09/2001

ORAL JUDGEMENT

Rule. Mr. H.M. Prachchhak waives service of Rule on behalf of the respondent.

2. It appears that the impugned order was made in

the absence of the advocate for the petitioners, who had filed a sick note and had been shifted to Bombay for medical treatment. In the circumstances, the impugned order is set aside and the learned Trial Judge shall pass a fresh order after hearing all the parties. The learned counsel for the petitioners states that the petitioners' advocate shall remain present on the date fixed by the Trial Court and if their advocate is not available on any ground, he shall make alternative arrangement. Rule is accordingly made absolute with no order as to costs.

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